

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JP, LB, CB, KB, SB, and LB,  
Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CHRISTOPHER WALTER BERNARD,

Respondent-Appellant.

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UNPUBLISHED

January 28, 2010

No. 293372

Oakland Circuit Court

Family Division

LC No. 08-754046-NA

Before: Donofrio, P.J., and Meter and Murray, JJ.

PER CURIAM.

Respondent appeals by right the right trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), and (j). We affirm.

There were six children born during the marriage between respondent and his former wife, Shalanda Lee Perry. Each of the children was subject to the petition seeking to terminate respondent's parental rights. The petition was based upon a reference from both the Oakland County Prosecutor and the Michigan Department of Human Services, and was founded upon respondent's sexual misconduct perpetrated against his eldest daughter, L.B. Defendant eventually pleaded guilty to second-degree criminal sexual conduct and was sentenced to 1 to 15 years in prison.

The trial court heard testimony on whether termination was in the children's best interests<sup>1</sup> from several witnesses including Perry, respondent, psychologist Paul Tiseo, L.B.'s therapist Carli Luce, and respondent's grandmother, Savannah Otis. Based upon the testimony and exhibits admitted at trial, the trial court entered an opinion and order terminating respondent's partial rights to all six children, finding that statutory grounds existed under MCL 712A.19b(3)(b)(i), (g) and (j), and that it was in their best interests to do so.

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<sup>1</sup> Respondent conceded that his conviction was a sufficient basis upon which to satisfy the statutory grounds for termination. The trial court nevertheless addressed this issue in its opinion.

Respondent contends the trial court clearly erred in finding that termination of his parental rights was in the children's best interests. We disagree. Once the court finds "that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5). This Court reviews for clear error the circuit court's findings of fact. MCR 3.977(J). "A court's finding is clearly erroneous if, although there is evidence to support it, the reviewing court is left with the definite and firm conviction that a mistake has been made." *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

We find that the trial court's opinion clearly demonstrated that it considered all of the testimony and evidence in the record. It did not clearly err by failing to consider or give sufficient weight to the testimony of the psychologist or respondent's grandmother, and there was sufficient evidence in the record to support each of its findings and conclusions. Respondent's reliance on *In re Rood*, 483 Mich 73, 117-118 (opinion by Corrigan, J.); 763 NW2d 587 (2009), is misplaced. Here, the trial court was not required to make reasonable efforts to reunite respondent with his children because of his conviction of second-degree criminal sexual conduct where the victim was his child. MCL 712A.19a(2)(a); MCL 722.683(1)(a)(ii). See *Rood*, 483 Mich at 118.

We further find respondent's reliance on *In re Boursaw*, 239 Mich App 161; 607 NW2d 408 (1999), overruled on other grounds *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000), misplaced. Unlike the respondent in *Boursaw*, respondent had seriously harmed his child through sexual abuse and had not started any treatment for sexual abuse, alcohol abuse, or any other counseling. The fact that respondent might be released from prison within a year did not change the facts that support the trial court's decision to terminate his parental rights. We are not left with a definite and firm conviction that a mistake has been made by the trial court's decision that termination of respondent's parental rights was in the best interests of the children.

Affirmed.

/s/ Pat M. Donofrio  
/s/ Patrick M. Meter  
/s/ Christopher M. Murray